ECENED/FOR FILING

7th Election District

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

3rd Councilmanic District * Case No. 94-102-SPHA Kevin N. Dohony, et ux Petitioners

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the owners of the subject property, Kevin N. and Mary S. Dohony. The Petitioners seek approval of an amendment to the Final Development Plan of the Simpson Property and variance relief from Section 1A03.4.B of the Baltimore County Zoning Requlations (B.C.Z.R.) to permit a property line setback of 20 feet in lieu of the required 50 feet for a proposed principal building (barn), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Kevin N. and Mary S. Dohony, property owners. There were no Protestants.

Testimony indicated that the subject property, known as 316 Kaufman Road, consists of 3.3825 acres, more or less, zoned R.C. 4 and is presently unimproved. The Petitioners propose to develop the property with a single family dwelling and a 40' x 24' one-story barn. Testimony indicated that at the present time, the Petitioners seek only to construct the barn. Due to the irregular shape of the lot and the topography of the land, the Petitioners propose to construct the barn to the rear of the site in the location shown on Petitioner's Exhibit 1. Due to the barn's close proximity to the property line, the requested variance is necessary in order to proceed as proposed. In addition, the barn must be located at

least 100 feet from the future dwelling, which, because of a hill in the front of the lot, must also be placed to the rear of the property. Testimony revealed that the Petitioners plan to develop the property as a horse farm and that the location chosen for the proposed barn is fairly flat. Further testimony indicated that the proposed structure is not very large and will not impose upon surrounding properties.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3/37 day of October, 1993 that the Petition for Variance requesting relief from Section 1A03.4.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a property line setback of 20 feet in lieu of the required 50 feet for a proposed principal building (barn), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building reversed, the relief granted herein shall be rescinded.

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

EINED FOR FIL

to the Zoning Commissioner of Baltimore County for the property located at 316 KAUFMAN ED. Poston NO. which is presently solved FCY

This Polition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 1A03.4B (BCZR) To permit a 20-foot setback in lieu of the

required 50 feet for a principal building (barn) and to amend the final development plan of Simpson property.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The Little of Local 1001 to 111121, the Text of the County . (a Incider to make it sate for children in backyand, of working of house has been determined by the creating hill.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do sciemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lesson:		Legal Owner(s)
	(Type or Print Neme)		(Type or Print Name)
	-		Koven R. Ookon
	Bignature		MARY S. Dahony
	Actoress		(Type or Print Name)
			Mary S. Delone
	City State	Zipcode	Bignatur
	Attamey for Petitioner:		
	(Type or Print Name)	<u>_</u>	19606 019 YORK 87 357-5500
			White Hall MD 21161
1 1	Stonehau		City State Zpeede Name, Address and phone number of representative to be contacted.
1 1			reality, required the property furnished to requiremental (2) (2) (3) (3) (4) (4)
ا ا ــ			
1 15	Address	hone No.	Name
12 0			
4200	City Steam	Zipcode	Address Phone No.
ZM			OFFICE USE ONLY
19/		January and Market	BETHEATED LENGTH OF HEATING
• 1			unavailable for Hearing
(the following dates Heat Two Months
0			ALL CTHER

#100

EXAMPLE 3 - Zoning Description 94-102-5PHA Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR 316 KAUFMAN Rd Election District 7th Councilmanic District NORTH __side of __KAUFMAN Beginning at a point on the _____ (north, south, east or west) ROAD (number of feet of right-of way width) (street on which property fronts) wide at a distance of 829' west of the (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street. **BENTLEY ROAD** ______, Section #___ in the subdivision of SIMPSON PROPERTY as recorded in Baltimore County Plat Book # 6M # 65 , Folio # 92 (square feet and acres) *If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location. Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., 8.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-102-SPVH Date of Posting. 9/19/13 Verience de Spaces Hoons, Positioner: Kerin & Mory Dohony Location of property: 316 Nout mon Rd, N/2, 829 W/Boutly Rd Location of Signer Forting Tood Way, Dr. property of fattioner Number of Signe: ________

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was sublished in THE JEFFERSONIAN, a weekly newspaper pu in Towern, Baltimore County, Md., once in each of ...

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Controller to the time

Suite 113 Courthouse 400 Washington Avenue

Towson, MD 21204

(410) NH7 4 NH6

Mr. & Mrs. Kevin N. Dohony 19606 Old York Road White Hall, Maryland 21161

RE: PETITION FOR VARIANCE N/S Kaufman Road, 829' W of Bentley Foad (316 Kaufman Road) 7th Election District - Ard Councilmanic District Kevin N. Donony, et ux Petitioners Case No. 34-102-SPH

Dear Mr. & Mrs. Dohony:

cc: People's Counsel

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered in infavor able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information of filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Swith Hetren TIMOTHY M. YOTRIXIO Deputy Zoning Commissioner for Baltimore Postty

or of the second Account # OF : 6150

Toton Jep

Marie # 100

94-102-SPHA

Duhony - 316 Kouthian Rd.

101. Vorince -- \$50.00 # 080 - Sign . . . 935.00

Zoning Administration & Development Management 211 Vest Chesopouke Avenue

B 85 00

03A01M0TRANTOHOO

19 Japan

94-102-SPHA 9/7/93

DOHONY - 316 Kovinga Rd.

#030- Special Haaring --- \$50.00

Baltimore Cousts

Zening Administration & Development Management

\$50,00

OJAG300111HTCHRC BA COQ1151PHO9-07-93

+50 , **6**0

Token: JEF

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21201

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: 100
Petitioner: Mary Dolerup + ton - Petern
Location: Six description of
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MCC.M N. T. T.
ADDRESS: 17686 810 900 (1)
12112 today No 21151

Printed on Rincycled Paper

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

SEPTEMBER 13, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Ect and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Evenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-102-SPHA (Item 100) 316 Kaufman Road N/S Kaufman Road, 829' W of Bently Road 7th Election District - 3rd Councilmanic

Petitioner(s): Kevin N. Dohony and Mary S. Dohony HEARING: MONDAY, OCTOBER 18, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a 20-foot setback in lieu of therequired 50 feet for a principal building (barn). Special Hearing to amend the final development plan of Simpson Property.

NOTES: (1) ZONING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



October 6, 1993

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Mr. and Mrs. Kevin N. Dohony 19606 Old York Road White Hall, Maryland 21161

> RE: Case No. 94-102-SPHA, Item No. 100 Petitioner: Kevin N. Dohony, et ux Petition for Variance

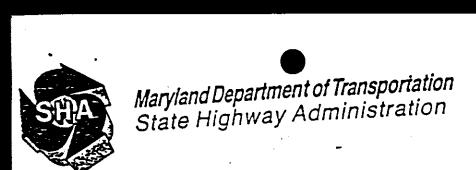
Dear Mr. and Mrs. Dohony:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 1, 1993, and a hearing was scheduled accordingly.

The following comments are related <u>only to the filing of future</u> zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O. James Lighthizer Hal Kassoff Administrator

9-14-93

Re: Baltimore County
Item No.: 4 100 (JLF)

Ms. Helene Kehring Zoning Administration and Development Management
County Office Building
Room 109 111 W. Chesapeake Avenue Townson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-3350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, John Contestabile, Chief

Engineering Access Permits

My telephone number is _____ Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Caivert St., Baitimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 10, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Division Chief:

PK/JL:1w

ZAC.96/PZONE/ZAC1

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET				
NAME V	ADDRESS			
Kevin W. Dohony Mary S. Dohony	19606 ON YORK Rd 21161 19606 OID York PD, White HAIT 4P			
				

Printed with Baybean ink on Resysted Paper

